

**CLARK COUNTY PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
THURSDAY, JULY 15, 2004**

BOCC Hearing Room
1300 Franklin Street
Vancouver, WA
6:30 p.m.

CAL LTO ORDER

The public hearing of the Clark County Planning Commission was called to order at 6:30 p.m. by Chair, Vaughn Lein. The hearing was held at the Public Services Building, BOCC Hearing Room, 1300 Franklin Street, Vancouver, Washington.

ROLL CALL

Planning Commission Present: Vaughn Lein, Chair; Dick Deleissegues, Lonnie Moss, Jada Rupley, and Carey Smith.

Planning Commission Absent: Jeff Wriston, Vice Chair; and Ron Barca.

Staff Present: Patrick Lee, Long Range Manager; Rich Lowry, Chief Deputy Prosecuting Attorney; Mike Mabrey, Transportation Planner; and Sonja Wiser, Administrative Assistant.

Other: Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for July 15, 2004

LEIN: The first item in the general business is approval of tonight's agenda. It's my understanding under the public hearing portion the proposed changes to, what, the English Ridge has been pulled for this evening, so anyone here for that portion we will not be hearing Item B on tonight's agenda, the proposed changes to Clark County zoning code for English Ridge. Any other changes, Mr. Lee?

LEE: No, that's the only one.

LEIN: Thank you. I

B. Approval of Minutes for June 10, 2004

LEIN: In the packet you received the approval of the minutes for June 10th, 2004, had the opportunity to read those. Are there any additional changes or modifications required? Is there a motion to approve?

MOSS: Yes.

LEIN: Is there a second?

DELEISSEGUES: Second.

LEIN: All in favor signify by saying aye.

EVERYBODY: AYE

LEIN: Opposed by nay. Thank you.

C. Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

A. PROPOSED CHANGES TO CLARK COUNTY COMPREHENSIVE PLAN & ARTERIAL ATLAS FOR SECTION 30:

Comprehensive Plan Map, Zoning and Arterial Atlas Amendments for those portions of Section 30, T2N, R3E, W.M. that currently have a comprehensive plan designation of Mining (MG) and Parks/Open Space (P/OS). The proposal is to change the Comprehensive Plan and zoning designations to Employment Center (Business Park and Office Campus zoning), Mixed Use (Mixed Use zoning) and Community Commercial (Limited Commercial and C-3 zoning). An Urban Holding designation (UH-20) and surface mining overlay are also proposed for these properties.

Section 30 is bounded on the north by NE 18th St., on the south by SE 1st St., on the west by NE 172nd Ave. and on the east by NE 192nd Ave.

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or e-mail: michael.mabrey@clark.wa.gov

LEE: Mike Mabrey's been the project manager so I'm going to turn it over for him. He was going to have me do the audio/visual, then he thought about that and decided he ought to do it both himself. So, Mike, if you want to give the presentation.

MABREY: Okay, thank you. My name is Mike Mabrey for the record, Long-Range Planning, Clark County. The subject of tonight's hearing is File No. 088128 - Amendments to the Comprehensive Plan Map, Zoning Map and Arterial Atlas for Section 30, T2N, R3E, Willamette Meridian. Before I go through an overview of the area and give you some background on the master plan and some details of the proposal, I wanted to just point out that there are some handouts at the back that will contribute to your understanding of what this proposal is. I apologize, the mailing that went out only showed the comprehensive plan map and didn't include the zoning map, there just wasn't enough room to put both of them on, so this first one is the comprehensive plan map proposal, and you'll see on the second page of the handout at the back of the room the zoning map proposal.

In addition there's a document back there that explains what the proposed allowable uses are under the business park zone and the office campus zone and also the mixed use zones. That's staff language that's yet to be adopted, but it's going through the cycle of during this comprehensive plan update.

LEIN: Can the audience hear Mr. Mabrey?

MABREY: Loud enough?

AUDIENCE: A little louder.

MABREY: A little louder, okay. Just to get us all oriented and make sure we know where we're looking at, the Section 30 is a square mile that's bounded on the south by SE 1st Street; on the north by 18th Street; on the west by 172nd Avenue and on the east by 192nd Avenue. As we look at what the current uses are out in this area, starting at the northwest corner is a large area that's been mined and hasn't been fully reclaimed yet, an active mining area in the middle. Harmony Sports Complex is over here in the northeast corner on County owned property. There's a BPA right-of-way that runs along the north edge of the site. There's an operation shop over here and a firing range as we move south. In the center is an old County landfill sometimes affectionately known as Mount Trashmore.

This part of the site is currently vested as there's an application for, let's see, I got to move this so you can see it, an application for a construction debris landfill. To the north of that there's a Sheriff's pistol range. The southeast corner there is a vested and approved site plan for a retail development which has not yet been constructed. Moving to the west there's a ready-mix concrete plant. This probably doesn't show

all the buildings and operations here, but there's also an asphalt plant, a conveyer under the road that brings rock into a crusher and this is a settling pond. And then in the, are we still on the map, there we go, to the southwest corner is developed single-family residences and subdivisions, and in this area is a newly constructed industrial building. I'm getting these in my own way, aren't I.

The purpose of the proposal tonight is to begin to implement the Section 30 subarea plan, master plan, which has been underway for the past year. And the purpose of that master plan or that master plan was motivated by the fact that we have that conflicting mix of uses out there, many of which are in transition. The surface mining in some areas is about completed and some surface mining areas will continue in the future. The Board wanted to given this uncertain future do a subarea plan that would look into the next 20 years and see how these properties could transition into more urban uses. As a result of a work session held on August 20th of 2002 the Board initiated this process in cooperation with the City of Vancouver. Pat McDonald was in attendance at that work session the Board committed to funding up at the -- of \$100,000 for the subarea master plan, the City committed to 50,000 and Evergreen School District chipped in 5,000.

Following the whole process of developing interlocal agreements for this project and putting out the RFPs, we eventually awarded a contract to J.D. White Company in June of 2003 and work began immediately on the subarea master plan. I'd like to go over a little bit of what the result of that master planning process was and how it happened. The goal of the subarea master plan was two-fold really, to create jobs by providing land that could be developed for employment based uses, and also to recover gravel resources before development made those resources, mineral resources, inaccessible.

As we started the project the planning tenets that were established were three-fold; one was noninterference with existing uses; the second was the assumption that the East County Reclamation Landfill was vested as an application and therefore should be assumed as a given; and, finally, that any acquisition of private properties for public uses would reflect a fair market value approach. The public involvement process for this master plan included an advisory committee that was composed primarily of property owners within Section 30, there were also representatives of neighborhoods adjoining this area, and folks from the Sheriff's Office that had an interest in the shooting range, and a pretty broad variety of interests but was pretty strongly focused on the property owners that would be most affected. That advisory committee met four times during the course of the planning process and worked together I thought very effectively in coming up with a final plan.

The way this all began was through what J.D. White Company called a design dialogue and basically they sat down with the stakeholders for one-on-one for two days and just talked about what was going on out there on the site, what their

long-term interests were and what those particular stakeholders wanted to see come out of this process and that began to give them some information on which to start drawing alternatives. As those alternatives were developed we held three open houses and additional project communications continued through the process, including two news letters and an active web site that was posted both on the City and County web sites. This really was developed and conducted as a joint exercise between the City and County and I think it was a very effective partnership from beginning to end. In addition to the external public involvement, the consultant brought in a panel of real estate professionals and developers to review the assumptions used and to provide comments on the feasibility of development that was being proposed so that we'd have a market perspective and both at the preliminary plan stage and with the final map. That panel was very useful in giving us kind of a reality test on, and some of their advice was to minimize the infrastructure needed and to afford a maximum flexibility in phasing of this development.

The key elements that came out of the master plan, and I will find this map and put it up, beginning with land use, the plan, is that visible, good, the plan shows a mix of employment, mostly employment based land uses, do you think that will be better, the red being commercial and retail and unfortunately this map wasn't changed to reflect the intention to make this a commercial site. The purple in the middle was intended to be a type of employment that would allow some of the more industrial types of uses, and the orange around the perimeter was called mixed use employment which was intended to allow for some more commercial and office type development. The Harmony Sports Complex is shown, oh, I'm sorry, I skipped the yellow. The yellow is residential which would provide a buffer to the adjoining neighborhoods on the east edge of the site as well as adjacent to the subdivisions on the southwest corner. Harmony Sports Complex is shown as being relocated somewhere in the northwest corner of the site to allow for mining of the existing northeast corner that the County owns. And that, that location is certainly not fixed and we didn't propose zoning to reflect it. I think that as we stated in the tenets that would be something that will be negotiated and purchased at fair market value wherever it ends up.

As you can see, the majority of the site is very heavily focused on high-level employment land uses. In terms of Harmony's relocation, the current lease agreement with the County ensures that if within the terms of that lease we, the County, requires that relocation that we will provide equal or better facilities and there would be no loss of a season so that those would be available at the same time that the other site was closed. So that provides the assurance that that investment of volunteer time and money in that sports complex would be replicated elsewhere. Some of the advantages to relocating the sports facilities down below grade would include having making it easier for them to use have night ball games and keep the lights on and it wouldn't be shining in any residential neighborhoods, and they would also be able to redesign the fields in such a way as to make them interact a little bit

better rather than kind of the ad hoc adding a field here and there which has been done in the past. So there are also the potential to create all-weather fields, the area down at the bottom of the pit drains pretty well. The concept for mining the existing northeast corner of the site is to only go down to the 40-foot level, just take the good gravels and not get down into the sand layer, that would allow terracing the site gradually downward rather than having a real abrupt drop on the edge.

The next key element in this, in the recommendations of the subarea master plan, was had to do with transportation and it was surprising how that concept was quickly became the focus of discussion and was readily accepted by the advisory committee and pretty soon the advantages became fairly obvious. It's possible to regrade areas such that the arterial roadway could drop down into the site providing a whole lot better exposure and access to future uses and then come back up on the north side and transition into 18th Street. At some point in time some kind of a curve would have to be developed anyway and so the advantages of dropping it down and providing more exposure to future employment sites within Section 30 became relative, rapidly obvious. Along the periphery right now on 18th Street and 192nd there are many residential driveways, lots of single-family residential access, which are not appropriate for five-lane arterial roadways anyway and so the concept is to relocate the roadway down in there such that these could become kind of the back streets more along the two-lane collector level that would provide direct access to properties. In addition the plan proposes an extension of 13th across the site into connecting to 9th Street over on the west end. So the advantages are clearly to provide better access to the interior and some buffering for their surrounding residential area. And I'll talk about the arterial atlas changes in some detail later if I need to.

In addition there was a detailed capitals facility plan provided, and if you turn into that document you'll find a lot of detail on the cost of sewer, water, storm drainage, et cetera. There was an assessment of the economic and fiscal impacts, and while there was not a lot of detailed discussion about phasing, they did include one, one map that showed. Now one of the possibilities depending on when properties were ready to redevelop, you could imagine five to ten years down the road having a portion of the site still be in surface mining use while other portions have redeveloped into a variety of commercial and employment base and recreational uses. This is not a given, but it's certainly one vision of how you could phase this such that those uses could be developed as the property owners were ready and not be incompatible with the kinds of uses that are currently going on out there.

So essentially this is the first step of the implementation sequence. Until you know what the zoning -- until you translate this map into our zoning categories it's a nice map of colored blobs but it doesn't really mean a whole lot and it's impossible to plan transportation and other infrastructure facilities until you know what the land uses are. The Board directed -- the timing of this is based on Board direction that we received

at a work session on February the 25th of 2004. The Board looked at the map and agreed that that was a good mix of land uses, agreed with the implementation sequence and the strategies for going forward, and directed staff to fold this comp plan and zoning change into the comp plan update that we're hopefully wrapping up this summer. If we don't, if we don't complete that, if we don't complete this comp plan and zoning right now, it will not be eligible to be considered until next year through the annual review or docket process. It used to be that subarea plans had a different status under GMA where the initial adoption of a subarea plan you could bring it in as an out-of-cycle amendment, that was changed in 2002, so this is either we -- either we finish it this year or we go through the whole process as a separate docket or amendment item next year.

As if the mix of uses and some of the other things weren't confusing enough, one of the things that has been a source of confusion, I know for me, is that the current zoning was not reflected in the GIS maps correctly. What's been shown on the maps, and if you go into GIS or get a developer's packet, it will tell you that the zoning out there is mining or mining lands. We in fact don't have any such zoning. That was applied in 1994. That error was rather quickly discovered by staff and in 1995 there was an amendment through an Ordinance 1995-04-16 by which the zoning of urban holding 20 was applied along with the surface mining overlay which was the correct way to reflect the intention to allow zoning to continue there and to discourage land divisions in the interim until -- and other kinds of development until adequate public facilities were available. So those two are in place currently. The urban holding is in our code as a district. Typically there is an underlying district and urban holding simply applies additional restrictions and when it's lifted you know what the zoning is going to be and you know what's going to, what the allowable uses will be, that's not the case in this area. We have an urban holding with no underlying zoning and so the purpose of our proposal and the purpose of our action today is essentially to establish the long-term future uses of this site, keeping the urban holding on, keeping the surface mining overlay on, but showing what will be possible and what mix of land uses will be possible when the conditions are such that the mining is completed and the surface mining overlay can be removed and the adequate public facilities are provided so that the urban holding can be removed.

So let's go to the -- back to the original maps. I think it helps to think of this as something like a four layer cake. The bottom layer is the comprehensive plan layer which is the general picture of what mix of land uses are at the base. In this case we are proposing a mix of land uses that includes commercial in the corner, community commercial in the corner, mixed use which will allow for a residential component of work, live kinds of spaces as well as either commercial or employment. The center of the site is all employment center. And finally there's some mixed use along the southeast, southwest corner to reflect the desire of those property owners to have a mix of both residential and other uses. You'll note from the shading that we are not proposing to do anything with the neighborhood commercial because there is an

approved development, and that the existing ML piece over here is not being changed as well, so that's the bottom layer.

On the second layer the zoning reflects the comprehensive plan designations with limited commercial here in the corner, mixed use, mixed use, and the employment center has two implementing zones, one is business park and the other is office campus. Business park allows a broader mix of manufacturing uses, metal fabrication for instance, more warehousing, more outdoor storage, whereas office campus is intended to be cleaner and greener and something that's a little more pleasing to the eye, so that that's why we've zoned the area up along the roadways to office campus which will allow a little bit lighter mix of manufacturing as well as some commercial and office uses.

LEIN: Mike, a quick question. On our copy of that map there's not the extra X on each of the parcels that I'm looking at --

MABREY: In the staff report?

LEIN: Yes.

MABREY: Right. The X represents the third layer of the cake, which means urban holding, that's how, that's how we do it, and instead we did that with four different maps and I think this one better represents what the zoning and surface mining overlay are so that it's all in one picture and I think it's kind of hard to convey that. One way to do it was four different drawings, but I'm trying to do it in two because I think when it comes time to make a motion, you'll want to have one map to look at that combines those, those three different in essence zoning layers. The X represents urban holding which essentially says this is in place until the County decides to remove it or until the property is annexed. And the purpose for urban holding is essentially to not allow that urban level of development until all of the public facilities are provided for. The cross-stripping represents the surface mining overlay. It remains in place as well and that protects the surface mining operations, the rock production operations, as well as the concrete batch plants and asphalt plants which are -- have been permitted as conditional uses under the surface mining overlay. Essentially the surface mining overlay takes precedence until it's removed. Okay. I think that pretty much covers the layers.

The final piece of what we're proposing for your consideration tonight is several amendments to the arterial atlas and it might be best to just put the colored map up here and point to them so that we all know what we're talking about. I briefly alluded to the fact that this would become the new five-lane arterial section through the site, the east/west road is proposed as a essentially a three-lane collector with bike lanes and sidewalks and a center left turn lane. 192nd, this portion of it now becomes a two-lane collector, as does 18th Street. And the 1st Street is being changed primarily

because it was originally intended to be the end piece of the Mill Plain extension and that has since been constructed further south so there had been a five-lane arterial designation for this portion of 1st Street which is no longer appropriate and then this was collector. The proposal is to change all of that section of SE 1st Street now to a minor arterial, a two-lane minor arterial.

LEIN: So the five-lane extension being constructed by Camas will stop at 192nd then?

MABREY: Right. It will stop at 192nd and then there will be a jog to the south if you want to stay on a five lane and you'd pick up Mill Plain. Certainly you have the alternative of staying on 1st Street too.

SMITH: What is the 21-acre Federal, or not Federal, but government facility there?

MABREY: The proposal was to relocate the existing County or the City operations which is on property right about here and so they wanted to provide some space for it. In essence there's not a zoning that we have that represents that very well, so we simply proposed it be EC comp plan designation. And, let's see, that part gets split because it doesn't follow property lines. I drew the zoning lines to follow property lines because I didn't want to split zone a lot of properties and the master plan didn't really, or the subarea plan didn't really pay a whole lot of attention to where the property lines were, so you will see some differences in terms of the sizes and that simply reflected what I was hearing back from property owners, those that communicated back, was I don't see why I would want to be part office campus and part business park, so that's why we followed property lines essentially throughout the zoning. There are -- I don't think there are any exceptions to that.

LEIN: Mike, what are the differences between the mixed use employment and employment?

MABREY: In the subarea master plan I think the intended difference, and it was never very well spelled out, but what I recall hearing was that the employment would contain a broader mix of industrial uses. Because it was down in the hole and less visible, you would have more warehouse and industrial and I think that our business park zoning pretty accurately reflects the intent of that.

LEIN: Are there any other questions from members of the Commission before we open the public hearing for testimony? Then we'll start down the sign-up list. Carl English, do you want to testify?

ENGLISH: (Inaudible.)

LEIN: Yeah, please, Carl.

PUBLIC TESTIMONY

ENGLISH: Can I have the map back up?

MABREY: The colored one?

ENGLISH: Yeah.

MABREY: Sure.

ENGLISH: So the present, the present idea is that 1st Street would be -- would basically stay a two-lane road?

MABREY: Let me just look and make sure because that's the one that I don't have committed to memory.

ENGLISH: If it comes down to a minor arterial (inaudible).

MABREY: Yeah, a minor arterial, M-2cb, is how we, how we -- the City weighed in on that as well and that's the classification that they wanted to see. So with a center turn lane it could go three lanes. The "cb" means center turn lane and bike path or bike lanes as well.

ENGLISH: Okay. Good. Thanks.

LEIN: Judy Teitzel. Teitzel, excuse me.

TEITZEL: My name is Judy Teitzel and I submitted a letter so I don't feel that I need to read it to you, but we're certainly very interested in the decisions that you make.

LEIN: Okay. Thank you. Janice Rudd or Janice Rudd.

RUDD: (Inaudible).

LEIN: Okay. Carl or Marge Mathews.

SMITH: I think they just left.

LEIN: Mark, do you want to testify?

FEICHTINGER: Pardon me? Sure.

MABREY: Oh, okay. It might be easier to see on this one you think.

FEICHTINGER: Mike, can you show them where we are on this.

MABREY: Yeah, we're ready to go. The Glacier property is a, I don't have property lines here, but it's a thin narrow strip that runs right about here and I think Mark will give you a better description.

FEICHTINGER: Okay. Good evening. Mark Feichtinger, 805 Broadway, Vancouver, here representing Glacier Northwest. Bob Short who participated in the year-long process would have preferred to be here, but they have an annual shareholders' and Board meeting today so unfortunately that took a little precedence and they asked us to submit their letter this evening and just talk through a couple of points.

First, Glacier has been very supportive of the J.D. White process sponsored by the City and the County, it's allowed everybody to get involved in the process, talk candidly about what their interests were, so very supportive really of how this process turned out. A little acquaintance about Glacier Northwest and this site. I'm not sure if you can see this on another monitor, but Glacier has been in this business or on this site for about 25 years doing concrete batch operations. It's only 4.5 acres, approximately 160 feet in width, strategically located on the east side of I-5. Many of you know that Glacier has a very significant market share with respect to its product. It distributes as far north as Battle Ground all the -- down to the river and pretty much on the east side of I-5. From this site and an immediately adjoining site which it occupies, it's now owned by Rinker in terms of the property ownership, they transport a perishable product; that is it's only good so long in the truck and so it has to get to market fairly quickly and strategic placement is a very important factor. The reality of finding another site is that you pretty much have to go to heavy industrial sites because that's where it's zoned outright and permitted; otherwise it's a conditional use process and very difficult. I'm not sure of any who have tried that recently in the county trying to locate one of these facilities, and again Bob Short and others participated for the better part of a year.

The next overhead there, Mike. One other point just to highlight, this client is extremely dependent on SE 1st in terms of what happens there, so in terms of three-lanes and ways to make left turns, if 192nd becomes the preferred avenue in which you want this traffic to go, but there's a lot of attention in the long run that has to be prepared -- paid to the question of how you get these trucks in and out because it's fairly heavy traffic. The subarea plan process, the client wanted us to communicate this evening that it's a little challenging to be coming up with a notion about what the zoning should be on its particular slice which is relatively small but for which will be in service for 50 years. They're not exactly looking at the backside of turning this into an office complex at the moment. So the challenge is there.

It almost -- it's almost laughable. You might as well I suppose in one sense zone it for zoo because we don't know in 50 years, you know, what the process will be and -- or what it will be, but more importantly in a 50-year horizon for the company this is the strategic site in East Clark County to preserve and it will be used until that. So what the underlying zoning is is almost a matter that's to which it must be indifferent and it's a little concern that the zoning that it has to, quote, unquote. When Mike called about this I guess there might have been a little bit of laugh at the company, oh, wait a minute, we're still thinking 50 years, we're not thinking about what it might be in ten or five as some of the others are who are dependent on the aggregate. Please recall that this site can operate independent of an aggregate source being right next door.

So it had thought that it would go through all of these different phases, including a lot of cooperation between the City and County, in terms of what the interlocal agreements might look like, whether their zoning provisions were parallel, and so this is coming out very fast driven by a political dynamic and therefore it's a little bit awkward to say OC is great when some of the phasing elements which are extremely important to a use that's going to be here 50 years as opposed to 10 or 20 is having to grapple with this plan. So still extremely supportive but it seems like it's moving very fast and some of the issues about how you preserve this kind of use have not yet really been fully addressed in the plan elements and the implementing tools. The letter explains that. Again, I'm sort of a messenger here this evening about what the concerns are about how that came to be, but I want to flip to the last slide about what sort of the challenges are for the site.

And as Mike pointed out, as the J.D. White segment pointed out, this is probably one of the, one of the only sites which will have a life anywhere close to that 50 years. Present and most of us, most of the users here who are concrete batch facilities and so on, are sort of relying on grandfathering, conditional use categorization under the surface mining overlay and nonconforming use statutes. If there is a casualty, for example can you -- do you have to get a new CUP, all these other kinds of issues that they've been living with now for 25 years. If there's an upgrade on the site have you increased the capacity beyond what you otherwise did even if it's an environmental change that you're making. I mean you wrestle with all kinds of issues because you're in this limbo land of grandfathering, conditional use, and in some sense nonconforming uses, and we're heavily relying, frankly, on staff interpretations.

And we would say that the relations between the company and the County are excellent and we are highly dependent, putting words in Bob's mouth or his words in mine, about relationships with County staff and their present interpretations, if you will, of what's allowed on the site. And thank goodness, frankly, for Rich Lowry who has tried to find livable accommodations for everybody who's been working here and interpretations of statute to get us through this, but over a 50-year horizon we're pretty sure that Rich Lowry will not be in your current service and therefore the

question is what would be an interim step. If we have to choose a zone at the moment, what's an interim step to deal with this site which almost assuredly will have a very long life. The OC designation at the end of 50 years, that's fine, I mean who could object at this point, I mean it's clear that that will work, but how do we get out of this limbo land for a user that's going to be here for a very long time as opposed to one that's going to be here for five years, and that is why the company, I know this seems a little bit out of left field but it is adjusting to reality, is asking you to consider moving to an MH zone for this small piece with a covenant restricting it to concrete batch operations and related services to kind of help it get through what is a really long period under this plan and avoid this continuing series of complications of always having to prove that it's an okay use, that it's okay to be here, that we can continue to make upgrades to the plant and we don't have to defend it every time that we do.

So that feels a little bit strange, I don't think it's out of anything that doesn't make from common sense, but when you put a nice map together with all the colors, it doesn't feel quite right, we understand that, but that is the reality of a use like this upon which this company is highly dependent. And they're frankly east of I-5, south of Battle Ground and north of the Columbia River, high or let's call it heavy industrial sites where this kind of use would be permitted there are essentially zero probabilities or possibilities to relocate this plant, so that's why we're asking your consideration of a slight modification here. It's fine that it be OC or BP in the long run when this finally unloads, but would appreciate an interim step of zoning MH on this site with a covenant that certainly it's not intended to become the world's worst kind of product manufacturing, but concrete aggregate related services and structural materials is its goal. So thank you for your consideration. I'll answer any questions that you may have.

SMITH: On one of your two sites that's actually owned by Rinker it indicates here that operation will continue there. Is there some assurance it will continue there for 50 years?

FEICHTINGER: Our request is simply for the one site, I'm sorry I didn't clarify that, Mr. Smith, it's for the one site that we own. We obviously can't control what Rinker is doing. We'd love it to have the same designation there, but they're not here tonight so to represent that point but --

MOSS: Actually they are.

FEICHTINGER: I'm sorry, they are here, that's great. But as to that one piece that the company owns, it's there for that and that's why they're asking for it.

LEIN: Any other questions? Thank you, Mark.

FEICHTINGER: Thank you for your time.

LEIN: Jack Price.

PRICE: I didn't realize that's what I was signing back there, but I thought I was just signing in as people who were here.

LEIN: If you don't wish to testify --

PRICE: But since I'm here I might as well speak. I have a couple of questions, several questions, if you would maybe put that map back up there that has that new road.

MABREY: Sure.

PRICE: There's oodles and gobs of questions that I got just from watching. First of all, when was this plan, when would this begin to be done, when would some of these things begin to be started?

MABREY: Well, the zoning and comp plan designations as I said are the first step. The next step is an interlocal agreement between the City and County to decide who can pay for what portion of the infrastructure such as that road extension. In terms of timing we don't have a schedule for it. It's not on anybody's current capital facilities plan. Some of it will be driven by how soon the property owners are eager to do something, how soon we can negotiate relocation of Harmony Sports Complex, so there's a lot of different steps involved.

PRICE: Yeah. The Harmony Sports Complex is certainly something that needs to be considered. This almost looks like it's bigger across from -- I mean where you have it now across from Harmony Middle School, does it, is it actually bigger than what the complex is now?

MABREY: Yeah. They did when they drew it showed it as something on the order of 46 to 50 acres and their current lease only covers 40 acres. Part of what makes that bigger also is the, is the kind of slope buffer, the light green around the edges so that effectively it's probably a lot closer to 60 acres in terms of what's, you know, what the actual use surrounding it may be.

PRICE: Do you feel that you could move that sports complex quickly enough that you wouldn't miss some sport's seasons like baseball, soccer?

MABREY: It would have, it would have to be constructed while the current one is in operation, we wouldn't close this one and then start working on that one because the sports go on almost year-round.

PRICE: Right. The second thing, the road that's going -- the new road taking off of 192nd, where is that going to come out at NE 18th Street approximately?

MABREY: Well, it hasn't been designed yet and certainly the grades and are going to have some effect on it. I believe the way that it -- I described it in the staff report in terms of how it intersected with 18th was about at close to NE 182nd Court and I'm not sure how well that shows up on here. Here's 185th, 182nd Court doesn't even --

PRICE: Actually that's 187th, that's that new --

MABREY: This is, yeah.

PRICE: That new road that just went through there.

MABREY: Yeah. There is a 182nd Court out there.

PRICE: How close would that be to for example the koi farm that's out there that was in the newspaper today?

MABREY: I don't know the koi farm.

PRICE: How about that Latter-Day Saints Church?

FRIBERG: It would be just west of the Latter-Day Saints Church.

MABREY: As shown on the map? Well, you know, like I said, we haven't designed this thing --

PRICE: It would be west of it.

MABREY: -- but my assumption that it -- from the drawing was that it would come in here a little bit to the east of where this north this, is this 182nd here, the north/south street that goes into the subdivision.

MRS. KORNE: That's 179th Place.

MABREY: That's 179th Place, okay.

PRICE: Okay. Another question would be if that road comes in there and you set up mining, did I hit that right, mining is going to be put into the where the sports complex is now?

MABREY: Right. The County purchased this roughly hundred acres back I believe

in the '40s and -- well, at various times with the intention of having the rock available for public works operations over time and it was not being mined and so the sports complex folks got the use of it for a period of time and it kind of grew and grew as to into a sports complex. So we still, we still own the rock underneath and the land and the intent was to get the rock out of there and then let the land redevelop into other uses.

PRICE: So if that became minable, that's mining, where would the trucks come out from that particular area?

MABREY: I don't, I don't have a plan for that at this point in time.

PRICE: I think that's something that should be planned because if it starts coming out down 18th Street right in front of the Harmony Middle School, I don't think that's a particularly good idea.

MABREY: Most likely -- I mean the most likely the mining of this would be done by operators currently operating within the site and they have their access roads.

PRICE: I don't understand that. I mean where -- if it's going to be mined and this stuff taken someplace, where is it going to go, north, south, east or west?

MABREY: Well, there's -- for instance there's a rock crusher and sorting facility right here --

PRICE: Correct.

MABREY: -- and there's another one right here --

PRICE: Correct.

MABREY: -- my assumption is that if this is made available for mining, one or both of those companies will bid on the mining rights and they will take care of it and it will go through the same processing that -- and the same routing that their current trucks --

PRICE: Which is 1st Street now, which means --

MABREY: Right.

PRICE: -- and I think one of the gentlemen mentioned before it would seem to me that if we're going to continue to have trucks, whether it be they Rinker trucks or Glacier trucks, out on 1st Street that 1st Street should be definitely widened and improved because it's already kind of a hassle as far as I'm concerned.

MABREY: It's not current, yeah, it's not currently built to the three lane standard.

PRICE: So that would definitely be changed, 1st Street would definitely be changed, upgraded some?

MABREY: If it gets on the capital facilities plan, I guess that's all I can say.

PRICE: So you're planning to do this somewhere in the next 3 years, 5 years, 8 years, 10 years, 15 years?

MABREY: Well, parts of it are going to transition over a long period of time. As you just heard the previous gentleman testify, they intend to be there for 50 years. Some of the mining interests are, have essentially run out of rock in the adjacent area or close to running out of rock, others still have salable aggregate and mineral resources, so it will be up to the property owners themselves to determine when they develop. And part of that decision and in terms of timing of the capital facilities investments, those will be done not only by the City and County but also by the private property owners. So those, the timing of it is not real clear, it will be based on the desire to develop primarily. I think once the negotiations are done, the Harmony Sports Complex could be a matter of three to five years before it's relocated.

PRICE: NE 13th Street, I assume that's the street that goes on out to the Camas Meadows Golf Course area?

MABREY: Right.

PRICE: That looks like it's extending almost right through where the big lake is, the big water thing there for --

MABREY: The settling pond is down in here.

PRICE: That's the settling pond, okay.

MABREY: Right.

PRICE: So it would be atop. All right. Well, thank you anyway for listening.

MABREY: Okay, sure.

LEIN: Harry Friberg.

FRIBERG: No thank you, sir.

LEIN: Thank you. Larry Bruley.

BRULEY: No.

LEIN: Thank you. Pat Nelson.

NELSON: I'm going to pass.

LEIN: Thank you. Art Liss.

LISS: Hello. My name is Art Liss. I'm currently vice-president of the Harmony Sports Association and vice-president of facilities and there was a recent change over in the leadership of the association which means myself coming on board, and having been past president of Cascade Little League and Don Bloomenthal who's now the president in replace of Bill Revis who saw the complex through the tedious negotiations in 1996 which ultimately gave us what we now see as the lease that gives us our future.

Going back historically, what you're really looking at is what Mike said, it's County owned property, and since parks and green space weren't developed during a time frame that would allow our kids to play baseball and soccer, volunteers going back to 1981 when Cascade Little League was founded, along with Orchards Soccer developed fields one by one by one and they've ripped them up one by one by one. So we're very appreciative of that and actually I'm here today to just say from the Harmony perspective, even though on the back of the implementation sequence there's at least 5 references to Harmony out of 11 or 12, which is pretty significant, we realize that we're sort of a cog in the wheel; however, we would prefer to be real pro positive in the opportunity to see a new complex. Soccer's desire, along with baseball and softball, is to have a facility that becomes a focal point for regional tournaments and excellence and currently we do the best we can and we've created that already from within on a voluntary basis where our expectation would be we haven't asked for anything other than the land we play on and I don't anticipate that we would ask for anything else other than if you give us more acreage, I'm convinced that the community of which I'm a part of could very easily figure out ways to increase youth sports activities out there and do what I think we'd like to see with respect to Section 30 and that's have a state-of-the-art complex that can be built professionally, not one field at a time. Because if you look at an aerial photo, one would actually say, well, if this was put here or this was put there, you can have better utilization, you could put another soccer field in, another baseball field.

So we're excited. We'd like to work with the County or the City and figure out ways that we actually can help progress the process. Assuming that we are a part of it, which we are, then we'd like to have at least a role or a say in making our part a real special part. And I just wanted to add that and thank Mike for some of his help initially in just giving me some insights that would make a little sense tonight as I

present myself here tonight.

LEIN: Any questions of Mr. Liss?

SMITH: I have a question.

LISS: Yes.

SMITH: The way you're set up now on Harmony you have three soccer fields that are right under the wires, the BPA easement area there. Is that a socially acceptable thing?

LISS: Well, baseball compared to soccer, it's baseball you can't do it because --

SMITH: Fly balls. But I was thinking of the --

LISS: Parents --

SMITH: -- health, the perceived health problems and things like that.

LISS: I have -- I've been involved in the complex since the mid '90s, I am not aware even during two years as president of Cascade and three years before that being involved on the Board I'm not aware of that. I'm not aware of anyone from the Orchards perspective that has ever said it's probably the better place to have soccer since baseball could not work in that confinement because of the power lines.

SMITH: Right. The reason I ask is in the conceptual drawing of the new Harmony Park that BPA area is not used at all and if we could use that for soccer fields, that would provide more land for something else.

LISS: Well, I -- just a comment if I can. Mike, if you go to our northwest corner there is a segment there that is basically BPA land which could be used for additional soccer fields concurrently now or even for additional parking. Somewhere if you create another soccer field or baseball field, you've got to figure a way to do parking, because if you've ever been out there in the heat of July when they've got major soccer tournaments going on and All-Star tournaments for baseball, it's an incredible complex that would make one realize this is really a nice place to be but parking if planned properly or reconstructed properly I think parking could be a -- wouldn't be a problem, but I would definitely say soccer. And I'm speaking I hope from the perspective where the soccer people would agree with me, but I know since they're already there now and it's never been a problem, it would add to the utilization factor definitely.

SMITH: Okay, thank you.

LEIN: Any other questions?

LISS: Anything else?

LEIN: Thank you.

LISS: Thank you.

LEIN: Is it a last name that's been signed up, K-o-r-n-e? I think that's what it is, Korne?

KORNE: Yes, sir, it's Korne. Good evening. My name is Trace Korne, I'm a resident more over in the area that's basically going to be affected. My home lies actually --

LEIN: Excuse me, Mr. Korne, for the record would you state your address, please.

KORNE: Yes. It's 2006 NE 179th Place. The general idea of where that's at is just behind or east of Harmony School and just north of 18th. I believe it's basically at the Morning Star housing development there. I have a couple of statements or I guess one statement and I have a couple of questions. The first statement is I understand when we first sat down and for you to give your bit of a dissertation, you stated that the powers at be went out and canvassed the area. Myself nor my neighbor did not receive any tracts, we did not receive any kind of contact, we did not receive any kind of open house. As a matter of fact I really didn't know about this until this evening. And I guess that's probably some of my problem, I didn't see the public impact sign that's out there, my wife just said you need to get down here, we're going to take a look at this. So this kind of was thrown in our face here.

As far as a question goes, I do have one in reference to your development of your major arterial way here, you actually have up on your map right now, you state that's going to actually come in and become a five-lane highway.

MABREY: Right, just like 192nd is to the south of 1st Street.

KORNE: If I may ask, where it intersects up onto the existing 18th is that also going to continue on and be expanded to a five-lane highway to 172nd?

MABREY: Right. 18th Street is planned and is designated as a major arterial that would eventually be five lane and there's been quite a bit of public involvement in that future project as well.

KORNE: And you were stating that you're still going to have continued mining as well as now light industrial working in that area?

MABREY: Right.

KORNE: For what it's worth I would like to put in a protest in that due to the fact that if you're opening up both ways and you're going to have five lanes going over, somewhat over to 164th there at least to 172nd, you're going to increase your traffic over there multifold. Okay. I don't believe that this program or plan has actually taken into account quality of neighborhoods that are going to be existing, probably added to what we have right now, as well as what's there at this time. I heard another concern and that is that the possibility is that you may be moving Harmony School or at least the facility there to another one?

MABREY: No, not the school, the sports complex that's currently right in this corner.

KORNE: Oh, so just the complex itself?

MABREY: Right.

KORNE: Okay. That would still create a concern for me in that as the gentleman stated earlier we're going to have probably an increase in industrial commercial base trucking and if you're that close to a school you're going to have crossings there. You have an area that you're going to develop into light industrial, I wouldn't assume that these would be the only existing roads that you have, those are just your major thoroughfares. I guess if you would develop that area, you would have small businesses with parking lot, or excuse me, driveways or something that would attach to it?

MABREY: Yeah, you could have it.

KORNE: So you're going to increase the traffic flow as well?

MABREY: Right.

KORNE: And I'm not so sure as far as the potential for problems of vandalism or crime or things that happen in any particular industrial area. So I guess I'm voicing my dissemination against this. I don't particularly care for it, I don't think it's a completely well-thought out plan. And that's pretty much what all I have to say. Thank you. Good evening.

LEIN: Any questions of Mr. Korne? Thank you. Mobley.

MOBLEY: I live next door to the man who just spoke.

LEIN: Excuse me, sir, can you state your name and address.

MOBLEY: Yeah. I'm David Mobley and I live at 2002 NE 179th Place. What I was wondering about, he brought up what I was thinking about too, the high wires that run along there. Are there going to be any business put underneath those high wires?

MABREY: No, that property is owned in fee simple by BPA.

MOBLEY: Is there any way that they -- if you did do something on that that we could put a trails or bike trails or anything through there?

MABREY: Yeah, that's certainly a possibility if BPA will allow it.

MOBLEY: Okay. We were talking about that, the neighbors around there thought that would be an excellent place to have it. But we are concerned about the traffic. 192nd, it goes, that goes all the way down to --

MABREY: SR-14.

MOBLEY: -- SR-14. So that's going to be open so that's really going to bring the traffic down that road there. Of course I live on 179th and we are concerned about that.

MABREY: Right.

MOBLEY: So but there is a possibility that they could put trails and stuff along those wires there?

MABREY: I've seen some versions of the -- maybe Bryan can speak to that if he's more familiar with it, but the plan for NE 18th Street which has been under some discussion over the last two years showed I believe some off, off roadway trails that parallel the roadway. Whether that has -- is being negotiated, just it's kind of -- I think it's primarily a City project and that it -- so I haven't been keeping -- I haven't heard anything new about it, but I did see some preliminary plans that showed that.

MOBLEY: Yeah, that's my biggest concern is the traffic. We have enough traffic with the housing development there trying to get the speed down and all of a sudden we're going to have this going down there too, so that's been our concern when we first saw this so. Okay. Thank you.

LEIN: Thank you. Bryan Snodgrass.

SNODGRASS: Hi. Good evening. I just wanted to voice some brief but I think strong support for the --

LEIN: Bryan, we can't hear you.

SNODGRASS: I just wanted to voice some brief, and then that's why I'm not sitting down, support for the process to date to the recommendation before you. I think as Mike said it's been a joint process under County leadership from day one. I think it's worked very well.

LEIN: Nobody can hear you.

SNODGRASS: It's worked quite well, I think hopefully it can serve as an example for future partnerships. I think at the City we're also appreciative of the work done to date both by the White Company in bringing it here, but especially also by the stakeholders in the area, the property owners, in developing the plan that's before you now. There's obviously a lot of implementing details, but beginning with the zoning tonight we're in support of the proposal that County staff has before you. As far as the specific question on 18th Street alignments, I don't know, I'll have to get back to you probably through Mike about whether some of those do allow for trails. I sort of think they do but I can't confirm that.

LEIN: I've met with some of the people doing the consultant on 18th further to the west and there are trails being anticipated. Whether they have the money to do it would be another question, but they certainly want to try to connect trails through there. Any questions of Mr. Snodgrass?

DELEISSEGUES: What did he say?

SNODGRASS: We're in support of the project and the proposal.

SMITH: Just give a thumbs up.

SNODGRASS: Thank you.

LEIN: Thank you. That concludes the sign-up list. Is there anyone else?

MRS. KORNE: Yes, I had a question. My name's Michelle Korne and my husband was up here earlier. I live at 2006 NE 179th Place. I would like to know how long this process was when it started initially?

MABREY: Oh, the consultant came on contract at the end of June last year, started work in July. We had, we had three open houses, they were pretty well advertised. We sent out the first news letter to over 2900 area property owners within a half mile radius and if you didn't get one, I'm very surprised. I don't know --

MRS. KORNE: Well, we moved in in August so.

MABREY: Oh, okay. Okay. There should have been a second news letter that came out about September that also announced the next open houses. So we had three open houses, they were all held over at Illahee Elementary School as I recall. And it was in the newspaper some too, but I understand it's not always easy to catch all that.

MRS. KORNE: So it's in June is when this process started but the preplanning, was there any kind of preplanning done before that or it all started in June?

MABREY: The subarea plan process started in June. There's been discussion about what to do about this area for probably 20 years.

MRS. KORNE: And then in June as far as going out to the community and to the developers and home builders in the area was there any kind of communication with them?

MABREY: No, we don't, we don't typically go door-to-door. I thought the news letter was kind of the best way of getting to individual property owners and --

MRS. KORNE: I'm sorry. I guess I'm asking for the developers and the contractors and the home builders, was there any kind of information given to them?

MABREY: About Section 30?

MRS. KORNE: Yes.

MABREY: No.

MRS. KORNE: No. So they weren't any part of the initial planning so they had no idea?

MABREY: I'm not sure whether they had any idea or not, but we didn't, we didn't specifically contact all the home builders associations or the individual home builders, make them aware.

MRS. KORNE: Was there any kind of information sent out like to the school districts or anything like that?

MABREY: The school district was a part of the planning process. They were on the advisory committee, their representative was, and they helped to fund the subarea plan.

MRS. KORNE: Okay. Thank you.

LEIN: Ms. Bremer.

BREMER: Good evening. For the record my name is LeAnne Bremer, 500 Broadway, Suite 400, Vancouver. I'm here tonight representing three property owners in Section 30, Rinker Materials, Columbia Rock and Aggregates, and Mr. Ralph Gilbert who is a principal of the owner of the landfill and recycling facility. And we approached this subarea plan with some concerns that with the adoption of new comp plan designations and zoning designations that the current and planned uses on these properties would become nonconforming which are disfavored under the law, but as we talked to Mr. Mabrey and read the staff report, we understand that the proposal is not to just have the new comp plan designations and zoning but to retain the urban holding 20 and the surface mining overlay which does a lot to alleviate our concerns. And the other thing that helps is the landfill proposal is allowed in any zone in unincorporated Clark County, so no matter what you zone the property, it's still an allowed use after we obtain a conditional use permit. So to a large extent our concerns were alleviated with that.

And I also want to express support for some language in the subarea plan that recognizes the landfill project as a vested project and that the intent behind the subarea plan is not to interfere with any existing or legally vested uses. But with that I would echo Mr. Feichtinger's testimony on behalf of Glacier, I think there still needs to be some clarification. I'm not sure if that means language in the subarea plan or if there's implementing zoning regulations that it's more appropriate to put some further clarification on exactly how this four layer cake of zoning is going to work when you have specific land use decisions that you're going to make, how will that all be reconciled with the project applications. I think I heard Mr. Mabrey say tonight that the surface mining overlay will take precedence, I'm not sure that's in the subarea plan, it may need to be in there and implemented in a zoning regulation.

We're also concerned about having more assurance that the mining can be, the mining activity can be allowed to continue even after extraction ceases. There's a lot of processing involved and would continue post-extraction of materials and I'm not -- it's not clear to me when the surface mining overlay goes away. Does it go away when extraction activity is done, is it up to the property owner to tell the County we're done mining and then it goes away. It's just unclear to me how that's all going to work and how will this whole proposal, and echoing what Mr. Feichtinger said, accommodate existing heavy industrial uses and we would support his testimony on how to deal with those existing uses with some sort of agreement or recognition of -- some official recognition that these uses will be allowed to continue. So with that we're generally supportive of the proposal but would like these clarifications.

LEIN: Any questions of Ms. Bremer?

BREMER: Oh, and incidentally, all property owners are represented here tonight if you had specific questions of them. Okay. Thank you.

LEIN: Thank you. Any other public testimony? If not, we'll return to the Planning Commission. Questions of staff? Comments? Dick.

RETURN TO PLANNING COMMISSION

DELEISSEGUES: I have a question on the implementation as it was visualized possibly by the planners that developed the proposal as to the timing, and I think the last speaker brought up a good point, like when will the existing operations cease operating so that the accommodating infrastructure can be constructed through those pits and mines and the operational sites that they have to accommodate somebody's new development on possibly a piece of land that is not being currently used and they want to develop that but they're dependent upon the infrastructure, the roads particularly that as you can see on the existing site map go right through some of the operational areas.

MABREY: Well, I think the answer to that is that the roads do not go through any of the existing operations on the south half of the site practically speaking, they go through, mostly through County owned land with the exception of a small area. Let me just look at ownerships a little. I don't have the ownership map handy, but essentially a lot of the area that's being affected by roadways is currently owned by the County.

The concept I think was one of sequences without time frames attached to it. If you have an interlocal agreement established between the City and County that says here's what we will do, here's what we understand you will do in terms of financing public infrastructure, if you have zoning in place, then the next step is to, and I think you'll see this on the last page of the presentation to the Board material, that small packet that I gave you, get clarity about relocation of Harmony Sports Association and develop a charter for public development authority, although the PDA stuff can happen kind of anywhere in that process.

So once you've got -- once you've got the relocation of Harmony settled, then you can get an agreement to mine the Harmony site. You get all of that finished and then you can start thinking about seriously putting some infrastructure in. I don't see that you would start building any roads, for instance, until all those steps were completed, and then the concept is turn this plan over to a public development authority which is basically people with a high level of understanding on how to make developer agreements, how to structure financing similar to what they've been using in downtown Vancouver and let them worry about the individual parcel-by-parcel deals. So that the City and County's role is to look at the major infrastructure, figure out how

to fund it, get the sports fields relocated and get the existing County property mined down to the appropriate level so that infrastructure can start being constructed.

DELEISSEGUES: I have some other questions too on infrastructure, particularly sewage. It looks to me like a lot of this development will occur at a much lower elevation than the existing property so there's going to be some real costs in pumping, you know, the effluent sewage out of this area.

MABREY: That's right. I think the estimates are very significant in that realm. I don't remember the numbers off the top of my head, but it was in the I think 5 to \$6 million range, primarily because the nearest main -- the nearest sewer line that could handle that level of flow is way off to the north. So you would need at least two pump stations at the two different levels on the site and then a long force main going north. And I think the concept was to go up 172nd to --

MOSS: 59th.

MABREY: -- 59th I believe it is, yeah.

DELEISSEGUES: Well, just to conclude, I guess my estimation would be that although this is a good plan and I'm sure it's as good as any as you could develop for the future, it certainly is dependent upon a lot of time sensitive things to occur and it's not going to happen very fast. I mean there's a lot of dollars that are going to have to be derived from significant development to pay for the infrastructure and until all of that development is ready to go, it's not going to be piecemeal because the infrastructure absolutely won't accommodate it.

MABREY: Right. And that is, that's -- that's the purpose of having urban holding on it so that until all of those infrastructure investments are figured out and put in place and the for instance a local improvement district to commit the property owner to their fair share of those investments, this is not -- it's not appropriate for this to be developed in a piecemeal fashion.

DELEISSEGUES: Okay. Thank you.

LEIN: Other questions or comments?

MOSS: Yeah, I had a question that maybe I should direct at you, Rich, I'm not sure who's the appropriate one to answer this, but that concerns the comments about the Glacier property and their plans for continuing 50 years. We've heard a request from them for a heavy industrial zoning on their property, I think I'm, you know, I'm concerned as all of us should be because we've heard some of the ramifications of being a nonconforming use and certainly that isn't something I'd want to volunteer for particularly for a 50-year period. My question to you is: Are there other mechanisms

that could be used to protect a use like Glacier has short of giving them the MH zone?

LOWRY: Yes, there -- and what occurred to me is that I think there's current language in this plan saying that the surface mining overlay would stay in place so long as aggregate was being taken out. You could also --

MOSS: Is that a permitted --

LOWRY: -- expand that, it, to indicate that the surface mining overlay would stay so long as processing was occurring, including concrete or asphalt production which are allowed uses or conditional uses in the surface mining overlay zone.

MOSS: Okay. Those are permitted uses.

LOWRY: The processing is a conditional use.

MOSS: One of the --

LOWRY: Now some of these operations may be nonconforming because they don't have a conditional use, but that condition wouldn't be made any worse by leaving them in a surface mining zone, it would leave them essentially in the same position they are today.

LEIN: And they can continue working for 50 years.

LOWRY: Exactly, yeah. Now that of course would be a policy that could be changed. If it were put into the plan that could be changed by a future board so it's --

MOSS: Of course.

LOWRY: -- there's no way you can get total --

MOSS: No. There's no absolute protection, no. No.

LEIN: But I think part of the protection is that if the land's going to be purchased, it's got to be at fair market value and to some degree that will protect them. I think their concern, though, is trying to find another place to relocate to.

LOWRY: And that if they become a nonconforming use, that could put them at a disadvantage and I would agree with that.

MOSS: Yeah, certainly. I mean we've, you know, I think we all understand the ramifications if they suspend the use for over a six-month period or if their plant burns

to the ground or whatever.

LOWRY: Well, we've litigated the issue of whether an asphalt batch plant was a piece of equipment or a structure. If it's a structure and then it can't be replaced. If it's a piece of equipment, it can. And in that case turned on the particular characteristics of the plant that we're dealing with and it was found to be a piece of equipment, but it turned -- it was not a generic determination, it was based upon how portable this particular plant was.

MOSS: You better put some wheels on this one. Thanks, Rich.

LEIN: Well, I think an observation I have is although it is owned by basically one or two corporations, CTC Development has been a long-term development over a lot of years, and I think if you've watched that it's had to address the completion of the Mill Plain extension and that has changed in a variety of ways depending upon how the landowner breaks up the parcels and develops it. Their advantage is they're a single entity, this one isn't. And, you know, they pump sewer, sewage, they've had to address a lot of the issues because they were an old rock products area that this area will also be addressing. So I think what you see in front of you in terms of information is diagrammatic at this point. I think possibly the one that is the most fitting is the Harmony Sports Complex knowing that the number of fields and the location of that is probably, but I can see a lot of other things changing, perhaps not the streets so much because there's not very many other streets to tie into in that area, 13th is probably the only one to the east.

Of course you have to tie into 18th and 1st, and 9th I'm not sure of, they'll eventually get to Haagen over there on 9th so he'll be happy. But I think you'll see this is going to be something that will change over time to some degree as people and the agencies involved come to an agreement of how to put the dollars into this. It's going to take a significant amount of time to justify and be able to come back and put -- I was looking at the summary of the cost estimates here for roadways, water, storm sewer and sanitary, it's almost \$29 million, it's going to take a while to find that kind of money and to allow the existing uses to go through and extend through the process that they should be allowed to in terms of mining or concrete development or whatever it is. So I was surprised I didn't hear Mr. English say something about his winery, but maybe he's not going to continue that there for a while so.

ENGLISH: Yeah, it will continue.

LEIN: But I think that overall that the concept here is one that is unique. I think the partnerships that have been developed is very unique for the community to go from everything from the Harmony Sports Complex people, the school district, all the landowners and even public member neighbors to come in and create something like this. I think I would agree that those people who own the property need to have

some assurance that they can complete the use of that property that they've begun, and I think we've found some ways that that can be done and I think that needs to go in any kind of final recommendation that we send forward to the Board of County Commissioners. Other comment?

SMITH: Is the rifle range, is that private property or is that County property, the English pit?

MABREY: That's County property.

SMITH: Will that be replaced somewhere else or is there any agreement there?

MABREY: No, we're leaving it up to the Board to decide.

LEIN: It's going north of Stormy Meadows.

MABREY: Camp Bonneville.

MOSS: Would, Mike, either you or Rich, care to comment on the question that was raised about how will the mining overlay be removed?

LOWRY: Well, the mining overlay appears in two places. It appears in the comp plan, to take it out, and this particular property has a comp plan level surface mining, that takes a Type IV process, a legislative process that would go through this body. The zoning on the other hand can be removed through a rezone which would be a Type III process through a hearing examiner.

MOSS: Okay.

LEIN: And I think, Rich, you just said something that's very important maybe to some of these people is there will be continuing public process to go through any development on this site?

LOWRY: Yes. It takes a public hearing process to remove the holding or the overlay.

LEIN: Other comments or questions? Entertain a motion.

DELEISSEGUES: I'd move that we go ahead and recommend the staff's recommendation to the County Commissioners.

LEIN: Are there any other provisions in your motion in terms of discussion on assurances of continued use, et cetera?

DELEISSEGUES: Well, I think there were a number of concerns raised and I would expect that the County Commissioners would address those concerns, but I think that this is a future development that could certainly change between now and its final completion and I think those would hopefully be addressed in the processes of site, you know, development plans and the individual plans it will have to go forward to make this thing whole, but if anybody wants to add some, I'm open to it.

RUPLEY: How about if I second it and then we have discussion?

LEIN: Okay. Discussion.

DELEISSEGUES: Lonnie, do you want to add some conditions to it?

MOSS: Well, I would certainly hope that the Commissioners would carefully consider providing some assurances of the nature that we've discussed here that some of the existing uses can continue and until the mining is done, and if you're willing to include that in your motion, I would certainly appreciate it.

DELEISSEGUES: Yep. I'll amend my motion to include Lonnie's concern.

LEIN: Is that okay to the second?

RUPLEY: Yes.

LEIN: Okay. Further discussion on the motion as amended? Could we have roll call, please.

ROLL CALL VOTE

MOSS: AYE

SMITH: AYE

RUPLEY: AYE

DELEISSEGUES: AYE

LEIN: AYE

LEIN: The recommendation will be sent on to the Board of County Commissioners. Thank you very much for your testimony and your concerns. You'll have another opportunity to comment to the Commissioners when they hear this. That concludes tonight's public hearing item. Thank you, Mike. Mr. Lee, anything --

RUPLEY: Words of wisdom.

LEIN: -- words of wisdom since it's been a while since we've seen you?

LEE: No. My mind's a blank, that's why you haven't seen me.

RUPLEY: Is that a good thing or a bad thing?

LEE: It's a day-by-day thing.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

The hearing adjourned at 8:00 p.m.

All proceedings of tonight's hearing are filed in Clark County Community Development/Long Range Planning. The minutes can also be viewed on the Clark County Web Page at www.co.clark.wa.us/ComDev/LongRange/LRP_PCagenda.asp

Vaughn Lein, Chair

Date

Minutes Transcribed By:
Cindy Holley, Court Reporter
Sonja Wiser, Administrative Assistant

Sw\Min 07-15-2004